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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 THOMAS FOSKARIS, and all similarly situated
individuals

CASE NO. 2:17-CV-03088-APG-GWF

Plaintiff,

V.

ALTERYX INC.,

Defendants.

**STIPULATION TO STAY
PROCEEDINGS PENDING DECISION
BY THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

(First Request)

18 Pursuant to LR 26-4 and LR 1A 6-1, the Parties, Plaintiff Thomas Foskaris and Defendant
19 Alteryx, Inc. hereby stipulate as follows:

20 **WHEREAS**, Plaintiff filed his Complaint in the above-entitled action on December 20,
21 2017;

22 **WHEREAS**, Plaintiff served the Complaint on Alteryx on January 31, 2018;

23 **WHEREAS**, four putative class actions have been filed against Alteryx: one in this Court,
24 two in the Central District of California, and one the District of Oregon (the “Actions”);

25 **WHEREAS**, the allegations in all four of the Actions arise out of the same alleged
26 exposure of the same data file, and assert substantially similar legal claims on behalf of
27 overlapping putative classes;

28 WHEREAS, on December 21, 2017, Plaintiff in one of the Actions filed a motion to

1 consolidate the Actions in the Central District of California under 28 U.S.C. § 1407 and that
2 motion is currently pending before the Judicial Panel on Multidistrict Litigation (“JPML”) (the
3 “Motion to Consolidate”);

4 **WHEREAS**, the deadline for parties in the Actions to file responses to the Motion to
5 Consolidate was January 30, 2018;

6 **WHEREAS**, on January 30, 2018, Alteryx filed a response in support of the Motion to
7 Consolidate the Actions in the Central District of California;

8 **WHEREAS**, all plaintiffs in the Actions were afforded an opportunity to oppose the
9 Motion to Consolidate, but no party opposed consolidation of the Actions in the Central District
10 of California;

11 **WHEREAS**, the JPML has yet to calendar the pending Motion to Consolidate, but the
12 parties anticipate that the motion will be heard at one of the JPML’s upcoming sittings;

13 **WHEREAS**, the pendency of the Motion to Consolidate does not automatically stay this
14 proceeding, J.P.M.L. Rule 2.1(d);

15 **WHEREAS**, this Court has the inherent power to stay this proceeding pending resolution
16 of the Motion to Consolidate, *see Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857,
17 863 (9th Cir. 1979); *Knepper v. Equifax Information Services, LLC*, 2017 WL 4369473, *1 (D.
18 Nev. Oct. 2, 2017) (granting motion to stay pending motion to consolidate).

19 **WHEREAS**, in exercising its discretion to stay a proceeding pending a JPML transfer and
20 consolidation order, courts consider the judicial resources that would be saved if the cases are in
21 fact consolidated and the hardship to the parties, *see Knepper*, 2017 WL 4369473, at *1 (*citing*
22 *Tobler v. DePuy Orthopaedics, Inc.*, 2012 WL 3598291 (D. Nev. Aug. 17, 2012));

23 **WHEREAS**, the parties believe that, in order to save this Court and the parties from
24 unnecessary work, conserve the parties’ time and expenses, and eliminate the risk of redundant or
25 inconsistent rulings on pre-trial matters, good cause exists to stay all proceedings pending the
26 JPML’s decision on the Motion to Consolidate;

27 **WHEREAS**, the parties agree that neither Plaintiff nor Alteryx will be prejudiced by a
28 temporary stay of this case pending the JPML’s order on the Motion to Consolidate;

1 **WHEREAS**, the parties believe that a stay would further the coordination and efficiencies
2 for which MDL proceedings were specifically designed;

3 **WHEREAS**, this is the first request for a stay of all proceedings;

4 **NOW, THEREFORE**, the parties, by and through their respective counsel, hereby
5 stipulate to and respectfully request that the Court issue an order providing that:

6 1. All proceedings in this case are stayed pending a decision by the JPML on the
7 Motion to Consolidate;

8 2. The parties are to file a joint status report within 10 days after the JPML's entry of
9 an order on the Motion to Consolidate;

10 3. In the event that the JPML issues an order denying the Motion to Consolidate,
11 Alteryx will respond to the complaint within 14 days after the JPML's entry of the order denying
12 the Motion to Consolidate.

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1 DATED: This 13th day of February, 2018.
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23 **IT IS SO ORDERED.**
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UNITED STATES MAGISTRATE JUDGE
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28 DATED: 2/15/2018